

FILED

JUL 30 2007

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIAIN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEVIN J. DANIELS,

Petitioner,

v.

GLENN COUNTY SUPERIOR
COURT,

Respondent.

No. C 07-2697 MJJ (PR)

ORDER OF TRANSFER**(Docket No. 3)**

Petitioner, a California prisoner, has filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging a conviction and sentenced obtained in the Superior Court for the County of Glenn.

Venue for a habeas action is proper in either the district of confinement or the district of conviction, 28 U.S.C. § 2241(d); although petitions challenging a conviction are preferably heard in the district of conviction. See Habeas L.R. 2254-3(a); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); cf. Dunne v. Henman, 875 F.2d 244, 249 (9th Cir. 1989) (district of confinement best forum to review execution of sentence). The venue for Glenn County, where petitioner was convicted, is the United States District Court for the Eastern District of California. See 28 U.S.C. § 84(b).¹


¹The Court notes that petitioner is incarcerated in Susanville, California, also in the Eastern District.

1 Because venue is preferred in the Eastern District, this case is TRANSFERRED to
2 the United States District Court for the Eastern District of California. See 28 U.S.C. §
3 1404(a); Habeas L.R. 2254-3(b). In light of this transfer, this Court will defer to the
4 Eastern District for a ruling on the motion for leave to proceed in forma pauperis.

5 The Clerk shall transfer this matter forthwith, and terminate Docket No. 3 from this
6 Court's docket.

7 IT IS SO ORDERED.

8 DATED: 7/26/2007

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10 MARTIN J. JENKINS
11 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KEVIN DANIELS,

Plaintiff,

v.

GLENN COUNTY SUPERIOR COURT et al,

Defendant.

Case Number: CV07-02697 MJJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 30, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kevin J. Daniels
CCC Susanville
Prisoner Id F-57042
P.O. Box 2400
Susanville, CA 96127



Dated: July 30, 2007

Richard W. Wicking, Clerk
By: Edward Butler, Deputy Clerk